

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MARYLAND**

CARROLL GAYLORD, # 353-279

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Plaintiff

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v

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Civil Action No. DKC-12-2477

MICHAEL J. STOUFFER, Commissioner,  
et al.

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Defendants

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**MEMORANDUM OPINION**

The court construed Carroll Gaylord's correspondence filed on October 15, 2012, (ECF No. 13) as a request for emergency injunctive relief for immediate medical attention and directed the Office of the Maryland Attorney General to file a show cause response. ECF No. 17. Gaylord, an inmate at North Branch Correctional Institution, claims his head pain is worsening and he is experiencing black-outs, dizziness, and twitching. ECF No. 13.

**BACKGROUND**

The show cause response and accompanying verified medical records indicate that Gaylord has complained of dizziness since 2009. Exhibit 1, Plaintiff's Medical Records, at 2-18. He has been prescribed medications for dizziness and for hypertension, a condition which may cause dizziness and headaches. Exhibit 1, at 3, 9, 15, 20, 53-67. Gaylord was assigned to a bottom bunk to minimize his risk of falling. *See id.* at 66-67.

In October of 2011, a CT scan revealed "a probable mucous retention cyst in the roof of [Plaintiff's] right maxillary sinus." *Id.* at 48. The cyst was small and the examination was otherwise unremarkable. Exhibit 2, Plaintiff's CT Scan Results Report.<sup>1</sup> Since then, medical

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<sup>1</sup> Counsel refers to on-line information for the proposition that mucous retention cysts develop along the lining of the sinus and are considered common. Jeffrey E. Terrell, MD, Sinus Surgery: Mucocoeles Versus Mucous Retention

practitioners have continued to address Gaylord's concerns. Most recently, he was examined by Colin Ottey, MD on October 13, 2012, for complaints of dizziness. At that time his prescriptions were continued and he was instructed to follow-up with the medical office if his condition worsened or showed no improvement. *See id.* at 66-67.

### DISCUSSION

A preliminary injunction is an extraordinary and drastic remedy, *see Munaf v. Geren*, 553 U.S. 674, 689-90 (2008), which requires a movant to demonstrate: 1) that he is likely to succeed on the merits; 2) that he is likely to suffer irreparable harm in the absence of preliminary relief; 3) that the balance of equities tips in his favor; and 4) that an injunction is in the public interest. *See Winter v. Natural Resources Defense Council, Inc.*, 555 U.S. 7, 20 (2008); *The Real Truth About Obama, Inc. v. Federal Election Commission*, 575 F.3d 342, 346 (4<sup>th</sup> Cir. 2009), vacated on other grounds, *U.S.* , 130 S.Ct. 2371, 176 (2010), reinstated in relevant part on remand, 607 F.3d 355 (4<sup>th</sup> Cir. 2010) (per curiam). Under the circumstances presented here, Gaylord does not meet the standard for emergency injunctive relief. He has been recently examined, prescribed medication, and instructed to schedule additional evaluations if his condition does not improve.

Although emergency injunctive relief will be denied, consideration of Gaylord's complaint will proceed. Defendants shall file their responses in accordance with the court's order of September 12, 2012. ECF No. 5. A separate order follows.

Date: November 5, 2012

/s/  
DEBORAH K. CHASANOW  
United States District Judge

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Cysts–Whats the Difference?, <http://www.sinus411.com/?p=53> (accessed October 25, 2012). They do not cause problems in most cases, although very rarely a cyst can cause a blockage of the nose after filling with fluid. *Id.* Most doctors take a wait and see approach to mucous retention cysts in the sinuses, and the vast majority don't require removal. *See id.*